IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 05th day of July 2005
Criminal Misc. Bail Application No.587 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Dinesh Kumar
S/o Ghan Shayam Kasyap
R/o Nanak Sagar Colony
P.S. Nanakmatta
District U. S. Nagar ……Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No.371 of 2004
U/s 302, 201, 120-B, 341 I.P.C.
P.S. Nanakmatta
District U. S. Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri B. S. Khanka learned counsel for the applicant and Sri G. S. Sandhu learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the applicant has been challaned on the basis of the statements of co-accused Rajesh Kumar and Babu Ram. It was further contended that the recovery under section 27 of the Indian Evidence Act is not reliable because the applicant has sufficient time to throw the 'Paatal' in Dam. It was further contended that nobody will keep the 'Paatal' inside his house after committing the murder and as such the recovery is doubtful. It was further contended that the recovery was made from the house of the applicant, which is easily assessable for so many persons. The names of the accused and the deceased have not been indicated in the evidence of Chaukidar, who claimed to be the witness of last scene evidence. Considering the facts, totality and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J. C. S. Rawat, J.)

Dated 05.07.2005

LSR